

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**STUART APPELBAUM, et al.,** :  
Plaintiffs, :  
: **MEMORANDUM AND ORDER**  
– against – : 20-CV-4131 (AMD) (PK)  
**WORLD CLASS BUSINESS PRODUCTS INC.,** :  
: Defendant. :  
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**ANN M. DONNELLY**, United States District Judge:

On September 3, 2020, the plaintiffs, as trustees and fiduciaries of the Retail, Wholesale and Department Store International Union and Industry Pension Fund, brought this action against the defendant, alleging violations of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.*, as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1381 *et seq.* (ECF No. 1.) The plaintiffs filed an amended complaint on March 31, 2021 (ECF No. 11), and served the defendant on April 5, 2021. (ECF No. 12.) The defendant did not appear or answer the complaint, and the Clerk of Court filed an entry of default on June 23, 2021. (ECF No. 15.) On June 25, 2021, the plaintiffs filed a motion for default judgment against the defendant. (ECF No. 16.) I referred the motion to Magistrate Judge Peggy Kuo on June 29, 2021.

Judge Kuo issued a characteristically thoughtful Report and Recommendation on March 15, 2022, in which she recommends that the plaintiffs’ motion be granted, and that the Court award the plaintiffs: (1) \$82,189 in withdrawal liability; (2) \$8,629.88 in interest, plus interest of \$40.53 per day from June 16, 2021 up to and including the date of judgment; (3) liquidated

damages in an amount equal to (2); (4) \$7,550 in attorneys' fees; and (5) \$692.37 in costs. (ECF No. 21 at 15.) No objections to the Report and Recommendation have been filed, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)) (internal quotation marks omitted).

Judge Kuo's well-reasoned and comprehensive Report and Recommendation contains no error. Accordingly, I adopt it in its entirety.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
March 31, 2022